

JOURNAL OF THE HOUSE.

Wednesday, November 10, 2004.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrucci of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, we believe that You have created us and endowed us with an intellect which allows us to reason clearly and a free will to make right choices. Inspire us to use our intellects in evaluating correctly current information and data and our wills to make right choices. Tomorrow we observe Veterans Day, a national holiday. We remember in our thoughts and prayers the living and deceased members, women and men, of our armed services. May the spirit of sacrifice and commitment of all veterans and the sacrifices of their families motivate us today to work, as a people, for national unity in promoting common goals, priorities and values, human and spiritual. Help us to recognize and address the needs and concerns of people in these unusual and changing times.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Petrucci of Boston), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Messages from the Governor — Vetos.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill authorizing the treasurer of the town of Brookline to invest the trust funds of said town [see House, No. 4400] (for message, see House, No. 5128) was filed this day in the Office of the Clerk.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

A message from His Excellency the Governor returning with his objections thereto in writing the engrossed Bill relative to the membership of the Lake Quinsigamond Commission [see House, No. 4133] (for message, see House, No. 5129) was filed in the Office of the Clerk on Tuesday, November 9.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

Appointment to a Special Commission.

The Speaker announced that the Minority Leader had appointed Representative Donald F. Humason, Jr., of Westfield to serve on the

special commission established (under section 292 of Chapter 149 of the Acts of 2004) to make an investigation and study of the regulation of assisted living facilities in the Commonwealth.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. DiMasi of Boston) commending all state employees on the occasion of "Performance Recognition Day";

Resolutions (filed by Mr. Coppola of Foxborough) congratulating Bethany Congregational Church on the occasion of its two hundred and twenty-fifth anniversary;

Resolutions (filed by Representatives Koutoujian of Waltham and Kaprielian of Watertown) honoring the President of the Nagorno Karabakh Republic (Artsakh) H.E. Arkady Ghukasian; and

Resolutions (filed by Mr. Nyman of Hanover) congratulating the Rockland Fraternal Order of Eagles Aerie #841 on the occasion of its one hundredth anniversary;

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

A Bill establishing the Quaboag and Ware River Valley Heritage District Commission (Senate, No. 2502) (on Senate bill, No. 1198), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A report of the committee on Public Service, asking to be discharged from further consideration of the recommitted petition (accompanied by bill, Senate, No. 1591) of Jo Ann Sprague, Scott P. Brown and John H. Rogers for legislation to establish creditable service and buy-back provisions for Donald Muldoon, and recommending that the same be referred to the House committee on Ways and Means,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Reports of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspections of certain correctional facilities, as follows:

- Of the Correctional Alternative Center, in the city of Lawrence;
- Of the Essex County Correctional Facility, in the town of Middleton;
- Of the Franklin County Jail and House of Correction, in the town of Greenfield;
- Of the Hampshire County Jail and House of Correction, in the city of Northampton;
- Of M.C.I. Concord, in the town of Concord; and

Performance Recognition Day.
Bethany Congregational Church.

H.E. Arkady Ghukasian.

Rockland Fraternal Order of Eagles.

Quaboag and Ware River Valley.

Ann Muldoon, retirement buy-back.

Correctional facilities, inspection reports.

Assisted living facilities.

Of the Western Massachusetts Correctional Alcohol Center, in the city of Springfield;

Severally were spread upon the records of the House; and returned to the Senate.

Transportation
fares.

A petition of Steven A. Baddour for legislation relative to the special commission on the equity of fares between modes of transportation, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Transportation.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2503) was referred, in concurrence, to the committee on Transportation.

Reports of Committees.

Lowell,
unpaid
bill.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill authorizing the city of Lowell to pay a certain unpaid bill (House, No. 4782) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Rush of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Rockland
Sewer
Commission.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a message from His Excellency the Governor, a Bill authorizing the Rockland Sewer Commission to enter into a contract for the disposal of sewage and the Abington/Rockland Joint Water Works to enter into a contract for the supply of water (printed in House, No. 5112). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Walsh of Lynn, the bill was read a second time forthwith; and it was ordered to a third reading.

Home
health
agencies.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to managed care contracts with home health agencies (Senate, No. 2329) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

Taunton,
industrial
improvement
district.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill establishing the Taunton industrial improvement

district in the city of Taunton (Senate, No. 2444) ought to pass [Local Approval Received]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Rush of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to the state retirement system (Senate, No. 2458) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Retirement
system.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Driscoll of Braintree, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill relative to licensure of court reporters (House, No. 4582) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Court
reporters.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Driscoll of Braintree, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to the water supply protection trust (Senate, No. 2488) be scheduled for consideration by the House.

Water
supply
trust.

Under suspension of Rule 7A, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith; and it was ordered to a third reading.

Engrossed Bills.

The engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Westfield (see House, No. 5035, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill establishing a firearms licensing fund in the town of Charlton (see Senate, No. 2058) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill

Motorized
scooters.

The engrossed Bill relative to the operation of motorized scooters (see House, No. 1544, amended) (which originated in the House) was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. Driscoll of Braintree moved that Rule 40 be suspended; and the motion prevailed.

Representatives Fennell of Lynn and Paulsen of Belmont then moved that the bill be amended by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the operation of motorized scooters, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted. The bill (see House, No. 1544, amended) then was sent to the Senate for concurrence.

Orders of the Day.

Third
reading
bill.

The Senate Bill designating a portion of the Lowell Heritage State Park as the Mary Bacigalupo Victorian Garden (Senate, No. 2318, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bills.

House bills

Validating the proceedings of the presidential primary in the town of Bernardston (House, No. 5011); and

Authorizing the Commissioner of the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Saugus to Thomas G. Kennedy (House, No. 5110);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Third
reading
bill.

The House Bill authorizing the town of Plymouth to lease certain land (House, No. 4818, changed) was read a third time.

The committee on Bills in the Third Reading reported recommending that the bill be consolidated with the House Bill authorizing the town of Plymouth to lease certain land for the construction of a parking facility (House, No. 4819, changed), likewise referred to said committee; and the report was accepted. The bill (House, No. 4818, changed) then was passed to be engrossed. Sent to the Senate for concurrence.

Emergency Measure.

Motorized
scooters,
regulate.

The engrossed Bill relative to the operation of motorized scooters (see House, No. 1544, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 7 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M. Next
sitting.

At seventeen minutes before twelve o'clock noon, on motion of Mr. Smizik of Brookline (Mr. Petruccelli of Boston being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.